

73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 346-7491

Public Notice No. 7-08-03
NPDES No. CA0104523
February 15, 2008

CEASE AND DESIST ORDER NO. R7-2008-0008
AND
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R7-2008-0012
ISSUED TO
CITY OF BRAWLEY, OWNER/OPERATOR,
MUNICIPAL WASTEWATER TREATMENT PLANT
FOR DISCHARGES OF WASTEWATER INTO THE
NEW RIVER IN VIOLATION OF BOARD ORDERS NO. 00-087, R7-2004-0079 & NO. R7-2005-0021
NPDES PERMIT NO. CA0104523

The City of Brawley (Discharger) owns and operates a municipal wastewater treatment plant (WWTP). The facility provides treatment through a lagoon system. The treatment system is comprised of a headworks system, five treatment ponds, an ultraviolet light (UV) disinfection system, and sludge drying beds. The WWTP is designed to treat municipal wastewater flows of up to 5.9 million gallons-per-day (MGD).

The treated wastewater does not meet effluent discharge limits specified in the Waste Discharge Requirements (WDRs) for total ammonia. As a result, the Discharger has been in chronic violation of effluent discharge limitations for total ammonia. Pursuant to California Water Code (CWC) Section 13301, tentative Cease and Desist Order No. R7-2008-0008 is proposed to be issued by the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) to set forth actions that the Discharger shall take to correct or prevent discharges of waste that are in violation of Board Order No. R7-2005-0021 with respect to the effluent discharge limitations for total ammonia.

In addition, on June 30, 2004, the Regional Board, issued Cleanup and Abatement Order (CAO) No. R7-2004-0079. The CAO required the discharger to complete construction or the WWTP upgrades by January 31, 2006. The construction was completed on July 7, 2006—157 days late. Failure to timely complete the construction upgrades subjects the Discharger to enforcement action including, but not limited to, assessment of civil liability.

On June 29, 2005, the Regional Board adopted Waste Discharge Requirements, and a National Pollutant Discharge Elimination System (NPDES) Permit to regulate the discharge of treated municipal wastewater to the New River. The Permit is assigned NPDES Permit No. CA0104523, Board Order No. R7-2005-0021. The discharge of wastewater from the Brawley WWTP violated the requirements prescribed in Board Order No R7-2005-0021 for free cyanide, zinc, E. coli, and total ammonia as nitrogen.

The Assistant Executive Officer of the Regional Board has issued Administrative Civil Liability (ACL) Complaint No. R7-2008-0012 against the Discharger, alleging that it failed to comply with CAO No. R7-2004-0079 and that it discharged wastewater that exceeded effluent limits set forth in Board Orders No. 00-087 and R7-2005-0021.

Pursuant to CWC Sections 13323, 13327, 13350 and 13385, this Complaint proposes that the discharger pay \$354,750 in ACL and mandatory minimum penalties for violations of CAO No. R7-2004-0079 and effluent limitations specified in Board Order No. R7-2005-0021. The Discharger may propose to spend an equivalent amount toward the implementation of a compliance project that is consistent with Section X of the Water Quality Enforcement Policy (Policy). The State Water Resources Control Board adopted the Policy on February 19, 2002 as Resolution No. 2002-0040, and it was approved by the Office of Administrative Law and became effective on July 30, 2002.

Unless the Discharger agrees to waive its right to a public hearing on the matter, as provided by CWC Section 13323(b), the Regional Board will proceed with the public hearing as follows:

Date of hearing: March 19, 2008
Time: 10:00 a.m.
Location: Indio City Council Chambers

During the hearing, the public and any other person interested in this matter can provide the Regional Board with comments on this matter.

If the Discharger waives its right to the hearing and pays the ACL in full, the Regional Board may still decide to conduct a Hearing on this matter. The settlement of this Complaint will become final 30 days from the date of this Public Notice. Persons wishing to file written comments on or objections to, the proposed ACL Complaint or any other aspects of this matter are required to do so within 30 days of the date of this Notice so that the Regional Board may consider the comments.

Comments must be mailed to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

A copy of the draft Cease and Desist Order and ACL Complaint may be obtained from the Regional Board Office. Please contact Doug Wylie at (760) 346-6585 for any questions regarding this matter.

For any person, who is disabled and requires special accommodations to participate in this hearing, please contact Hilda Vasquez at (760) 776-8950 no later than 10 days before the scheduled public hearing.